

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1197

Introduced by Assembly Member Torrico

February 27, 2009

An act to amend Sections 8592.1, 8592.4, and 8592.5 of the Government Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1197, as amended, Torrico. Public safety: radio communications.

Existing law, the Public Safety Communication Act of 2002, provides that the Public Safety Radio Strategic Planning Committee shall have primary responsibility in state government to develop and implement a statewide integrated public safety communication system that facilitates interoperability among state public safety departments and other first response agencies and to coordinate other shared uses of the public safety spectrum. It requires the committee to make recommendations for state agency purchase of public safety radio subscriber equipment that will enable those agencies to commence conforming to industry and governmental interoperability standards. Existing law specifies that, as technology evolves, the committee shall recommend the purchase of nonproprietary equipment or systems that have open architecture and backward compatibility. The act defines “nonproprietary equipment or systems,” “open architecture,” “backward compatibility,” and other related terms for these purposes.

This bill would delete references in these provisions to “nonproprietary” equipment or systems and instead specify standards-based equipment or systems, defined to mean equipment or systems that are built to a voluntary, consensus-based industry standard

or a governmentally recognized standard, as applicable, to enable the equipment or system to function with another manufacturer's equipment or system. It would recast the definition of "backward compatibility" to mean equipment or systems that are able to function with prior versions of the equipment or systems or to operate with legacy equipment or systems. It also would require that the committee ensure that its recommendations for radio or other technology are consistent and compatible with recommendations and standards established by the United States Department of Homeland Security or the Federal Communications Commission, or both, as applicable.

The act authorizes, but does not require, the committee to make similar equipment recommendations to any other federal, state, regional, or local entity with responsibility for developing, operating, or monitoring interoperability of the public safety spectrum.

This bill would authorize the California Emergency Management Agency, rather than the committee, to recommend equipment to these other entities. It would also recast other provisions specifying certain industry standards and make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The need to enhance the ability of public safety agencies
- 4 from neighboring cities, adjacent counties, and across the state to
- 5 communicate with one another during emergencies has become
- 6 more evident and essential since the terrorist attacks on September
- 7 11, 2001. The events of September 11, as well as recent federally
- 8 declared natural disasters, clearly demonstrated the need for law
- 9 enforcement, firefighters, emergency medical services personnel,
- 10 and related public and private agencies that have public safety
- 11 responsibilities to be able to effectively communicate in times of
- 12 need so resources can be properly utilized and lives can be saved.
- 13 (b) Currently, it is largely impossible for public safety agencies
- 14 in this state to communicate with each other because of all the
- 15 different communications systems and frequencies being utilized
- 16 by these agencies. This problem has been examined by the
- 17 California Statewide Interoperability Executive Committee, the

1 Public Safety Radio Strategic Planning Committee, and the
2 Legislature.

3 (c) As the state moves to develop regional narrowband or
4 wideband “Project 25” communications systems, the governance
5 of the systems will be the key to success. There are some basic
6 elements that must be included for any regional system to work
7 effectively, including the following:

8 (1) Regional systems should be established taking into
9 consideration topography, contiguous urban areas, and operational
10 efficiency with respect to response agreements with local public
11 safety agencies and, at minimum, should serve a county and be
12 capable of interlinking with other systems simultaneously in real
13 time.

14 (2) Regional systems must be compliant with current and
15 applicable standards.

16 (3) Regional systems should be developed based on a shared
17 governance model, with the use of a joint powers agreement being
18 one workable model. The governance board responsibilities would
19 include, but not be limited to, establishing advisory committees
20 to develop recommendations on system operational issues,
21 technical upgrades, and system financial planning.

22 (4) Regional systems should be developed using costing models
23 that include subscriber fees that cover system operational costs,
24 personnel needed to manage the network, technical upgrades or
25 enhancements, and system replacement costs.

26 (5) Regional spectrum-based interoperability systems should
27 be sized to include sufficient frequency capacity to serve all public
28 interests including state, county, local government, and special
29 districts.

30 (d) In addition to “Project 25” systems, public safety agencies
31 are expected to continue to use legacy radio systems and, in the
32 future, to participate in the national broadband public safety
33 network authorized by the Federal Communications Commission.
34 Interoperability planning must consider all such systems and further
35 one or more of the following goals in conjunction with ongoing
36 regional and statewide planning efforts:

37 (1) To ensure interoperable functionality of wireless network
38 devices in support of mutual aid.

39 (2) To ensure the ability of public safety agencies to
40 communicate with each other within the region and outside the

1 region in support, and with state, county, local government, and
2 special districts as applicable.

3 (3) To ensure interoperability with legacy public safety systems
4 operating in the region.

5 (4) To enable interoperable broadband communications systems
6 in support of data, sensor, and video technology.

7 SEC. 2. Section 8592.1 of the Government Code is amended
8 to read:

9 8592.1. For purposes of this article, the following terms have
10 the following meanings:

11 (a) “Backward compatibility” means that equipment or systems
12 purchased are able to function with prior versions of the equipment
13 or systems, or to operate with legacy equipment or systems.

14 (b) “California Emergency Management Agency” or “Cal EMA”
15 means the executive branch entity, or its successor, responsible
16 for emergency management of state entities.

17 (c) “Committee” means the Public Safety Radio Strategic
18 Planning Committee, which was established in December 1994 in
19 recognition of the need to improve existing public radio systems
20 and to develop interoperability among public safety departments
21 and between state public safety departments and local or federal
22 entities, and which consists of representatives of the following
23 state entities:

24 (1) The California Emergency Management Agency, who shall
25 serve as chairperson.

26 (2) The Department of the California Highway Patrol.

27 (3) The Department of Transportation.

28 (4) The Department of Corrections and Rehabilitation.

29 (5) The Department of Parks and Recreation.

30 (6) The Department of Fish and Game.

31 (7) The Department of Forestry and Fire Protection.

32 (8) The Department of Justice.

33 (9) The Department of Water Resources.

34 (10) The State Department of Public Health.

35 (11) The Emergency Medical Services Authority.

36 (12) The Department of General Services.

37 (13) The Military Department.

38 (14) The Department of Finance.

39 (d) “First response agencies” means public agencies that, in the
40 early states of an incident, are responsible for, among other things,

1 the protection and preservation of life, property, evidence, and the
2 environment, including, but not limited to, state fire agencies, state
3 and local emergency medical services agencies, local sheriffs'
4 departments, municipal police departments, county and city fire
5 departments, and police and fire protection districts.

6 (e) "Open architecture" means a system that can accommodate
7 equipment from various vendors because it is ~~standards-based~~.
8 *standards-based*.

9 (f) "Public safety radio subscriber" means the ultimate end user.
10 Subscribers include individuals or organizations, including, for
11 example, local police departments, fire departments, and other
12 operators of a public safety radio system. Typical subscriber
13 equipment includes client devices, mobile radios, hand-held radios,
14 mobile repeaters, fixed repeaters, transmitters, or receivers that
15 are interconnected to utilize assigned public safety communications
16 frequencies.

17 (g) "Public safety spectrum" means the spectrum allocated by
18 the Federal Communications Commission for operation of
19 interoperable and general use radio communication systems for
20 public safety purposes within the state.

21 (h) "Standards-based equipment or systems" means equipment
22 or systems that are built to a voluntary, consensus-based industry
23 standard or a governmentally recognized industry standard, as
24 applicable, to enable the equipment or system to function with
25 another manufacturer's equipment or system.

26 SEC. 3. Section 8592.4 of the Government Code is amended
27 to read:

28 8592.4. (a) The committee shall determine which state public
29 safety departments listed in subdivision (b) of Section 8592.1 need
30 new or upgraded communication equipment and shall establish a
31 program for equipment purchase. In establishing this program, the
32 committee shall recommend the purchase of public safety radio
33 subscriber equipment that will enable state agencies to commence
34 conforming to industry and governmental standards for
35 interoperability as set forth in Section 8592.5. The committee shall
36 recommend the purchase of standards-based equipment or systems
37 that have open architecture and backward compatibility whenever
38 possible, and that are in compliance with paragraphs (1) and (2)
39 of subdivision (a) of Section 8592.5. The committee shall ensure
40 that its recommendations for radio or other technology are

1 consistent and compatible with those recommendations and
2 standards established by the United States Department of Homeland
3 Security or the Federal Communications Commission, or both, as
4 applicable.

5 (b) The California Emergency Management Agency may
6 recommend to any other federal, state, regional, or local entity
7 with responsibility for developing, operating, or monitoring
8 interoperability of the public safety spectrum, the purchase of
9 public safety radio subscriber equipment that will enable first
10 response agencies to commence conforming to industry and
11 governmental standards for interoperability as set forth in
12 paragraphs (1) and (2) of subdivision (a) of Section 8592.5. Cal
13 EMA may recommend the purchase of, in addition to
14 standards-based radio subscriber equipment, other standards-based
15 equipment or systems that are backward compatible. Recommended
16 radio systems shall be in compliance with paragraphs (1) and (2)
17 of subdivision (a) of Section 8592.5.

18 (c) This section does not mandate that a state or local
19 governmental agency affected by this section is required to
20 compromise its immediate mission or ability to function and carry
21 out its existing responsibilities.

22 SEC. 4. Section 8592.5 of the Government Code is amended
23 to read:

24 8592.5. (a) Except as provided in subdivision (c), a state
25 department that purchases public safety radio communication
26 equipment or systems shall ensure that the equipment *or systems*
27 purchased complies with applicable provisions of the following:

28 (1) For radio-based technology, the common system standards
29 for digital public safety radio communications commonly referred
30 to as the “Project 25 Standard,” or ANSI/TIA-102 series of
31 standards, as those standards may be amended, revised, or added
32 to in the future jointly by the Associated Public–Safety
33 Communications Officials, Inc., National Association of State
34 Telecommunications Directors, and agencies of the federal
35 government, commonly referred to as “APCO/NASTD/FED.”

36 (2) For radio-based technology, the operational and functional
37 requirements delineated in the Statement of Requirements for
38 Public Safety Wireless Communications and Interoperability
39 developed by the SAFECOM Program under the United States
40 Department of Homeland Security.

1 (3) For radio-based technology, voluntary consensus-based
2 standard technology that will be used in the construction of the
3 FCC-authorized national public safety broadband network.

4 ~~(4) For IP interoperability solutions, use a standards-based~~
5 ~~equipment or systems.~~

6 (b) Except as provided in subdivision (c), a local first response
7 agency that purchases public safety radio communication
8 equipment, in whole or in part, with state funds or federal funds
9 administered by the state, shall ensure that the equipment purchased
10 complies with paragraphs (1) and (2) of subdivision (a).

11 (c) Subdivision (a) or (b) shall not apply to any of the following:

12 (1) Purchases of equipment to operate with existing state or
13 local communications systems where the latest applicable standard
14 will not be compatible, as verified by the Telecommunications
15 Division of the Department of General Services.

16 (2) Purchases of equipment for existing statewide low-band
17 public safety communications systems.

18 (3) Purchases of standards-based IP interoperability solutions
19 or systems that link radio systems together.

20 (d) This section shall not be construed to require an affected
21 state or local governmental agency to compromise its immediate
22 mission or ability to function and carry out its existing
23 responsibilities.